IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 3480 / 2003

BITTOO @ RAMKINKAR SAHI, SON OF SHRI RAM SAHI, AGED ABOUT 34 YEARS, RESIDENT OF PONDI, MINES QUARTER PONDI, POLICE STATION PONDI, DISTT. KORIYA. **PETITIONER**

VERSUS

1. STATE OF CHHATTISGARH, THROUGH THE SECRETARY, MINISTRY OF HOME, D.K.S. BHAWAN, RAIPUR.
2. THE CHIEF SECRETARY (HOME) , D.K.S. BHAWAN, RAIPUR.
3. THE DISTRICT MAGISTRATE, KORIYA. RESPONDENTS

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P. R. No. 3080/03 Presented by Shri Sandeep Sahi dated 03/10/03

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ORDER(S), AND/OR DIRECTION(S) IN THE NATURE OF WRITS

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(83)

आदेश पत्रक

मामला क्रमांक W.P. 3480/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20/08/2004

Heard Shri Parag Kotecha, counsel for the petitioner.

Shri N.K. Agrawal, Deputy Advocate General for the respondents/State.

Return has not been filed on behalf of the respondents/State.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the order (Annexure P/1) dated 17/09/2003 passed by the Chief Secretary (Home), whereby the order passed by the District Magistrate, Koriya, Baikunthpur (Annexure P/2) has been affirmed by which the learned District Magistrate after considering the case of the petitioner, passed an order for externment for a period of one year from the Districts mentioned in the order and the order was made effective from 15/09/2003.

During the course of arguments only request made by learned counsel for the petitioner was that the petitioner has already completed almost 11 months and one month is left out, therefore, externment order may be restricted for the period already completed.

Section 7 of Chhattisgarh Rajya Suraksha Adhiniyam, 1990 envisages that " a direction made under Section 4, 5 or 6 not to enter any district or part thereof or such area and any district or districts or any part thereof, contiguous thereto, as the case may be, shall be for such period as may be specified therein and shall

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(84)

आदेश पत्रक

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

in no case exceed a period of one year from the date of which it was made".

In view of the above provision, the externment order can be passed for maximum period of one year whereas in this case the petitioner has already completed a period of around about 11 months. Therefore, the request of the counsel for the petitioner appears to be just and fair to which learned Deputy Advocate General has no objection.

In the circumstances, the impugned order is modified to the extent that the period of externment is restricted to 11 months instead of one year.

With the aforesaid observations, the writ petition is disposed of.

Consequently, M.W.P.No.3161/2003 also stands disposed of.

Certified copy as per rules.

Sd/-
L.C.BHADOO
Judge